



APPLICATION ACCEPTED: August 14, 2012  
DATE OF PUBLIC HEARING: October 31, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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October 24, 2012

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2012-BR-050**

### BRADDOCK DISTRICT

**APPLICANT:** Wayne R. Lacey

**OWNERS:** Wayne R. Lacey  
Roberta B. Lacey

**LOCATION:** 5312 Moultrie Road, Springfield, 22151

**SUBDIVISION:** Ravensworth

**TAX MAP:** 70-4 ((8)) (11) 20

**LOT SIZE:** 10,800 square feet

**ZONING:** R-3

**ZONING ORDINANCE PROVISION:** 8-914

**SPECIAL PERMIT PROPOSAL:** To permit reduction to minimum yard requirements based on error in building location to permit addition to remain 6.6 ft. from side lot line.

A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

O:\gumk2\SP Cases\SP 2012-BR-050 Lacey\SP 2012-BR-050 Lacey Staff Report.docx

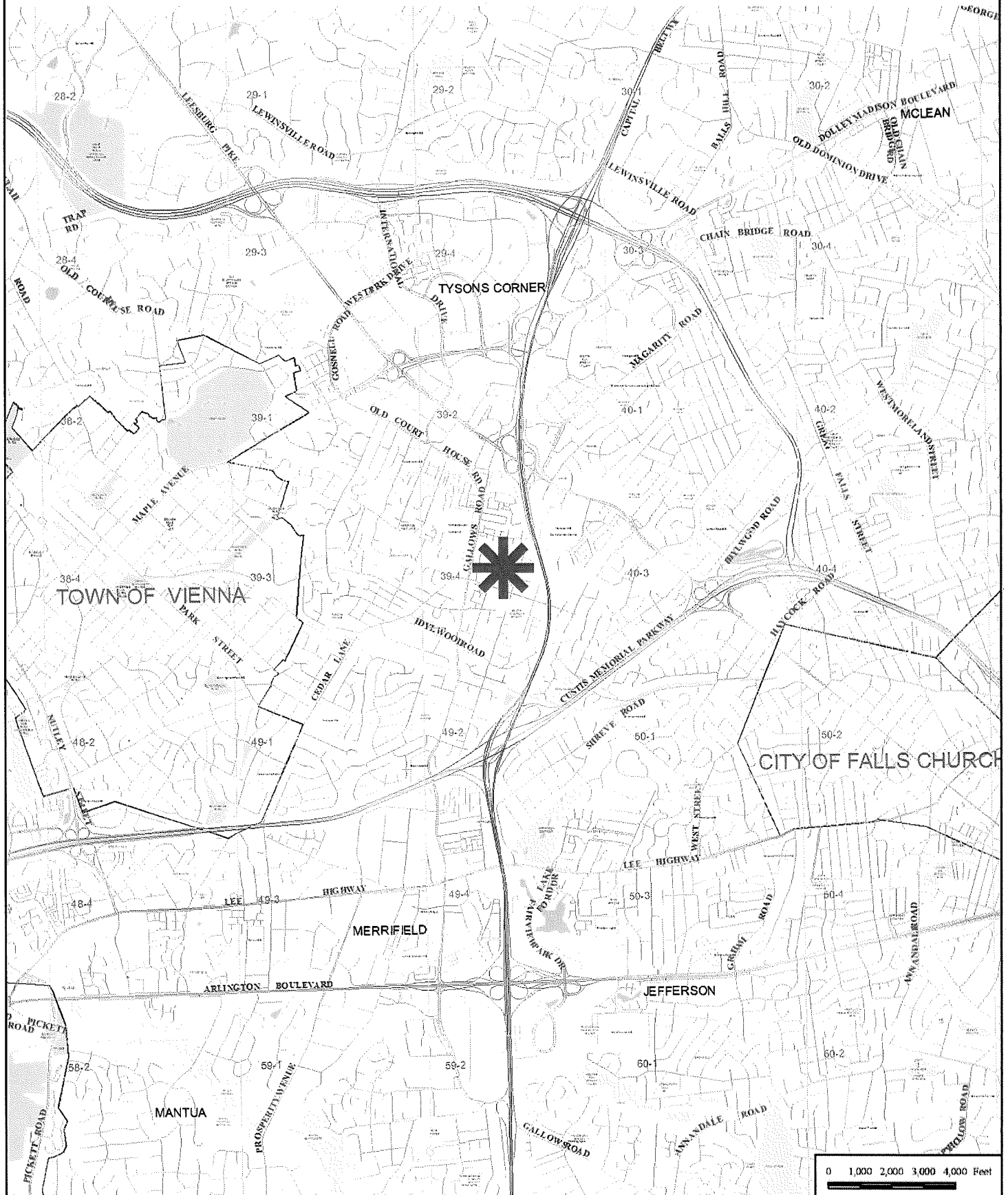
Laura Gumkowski

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

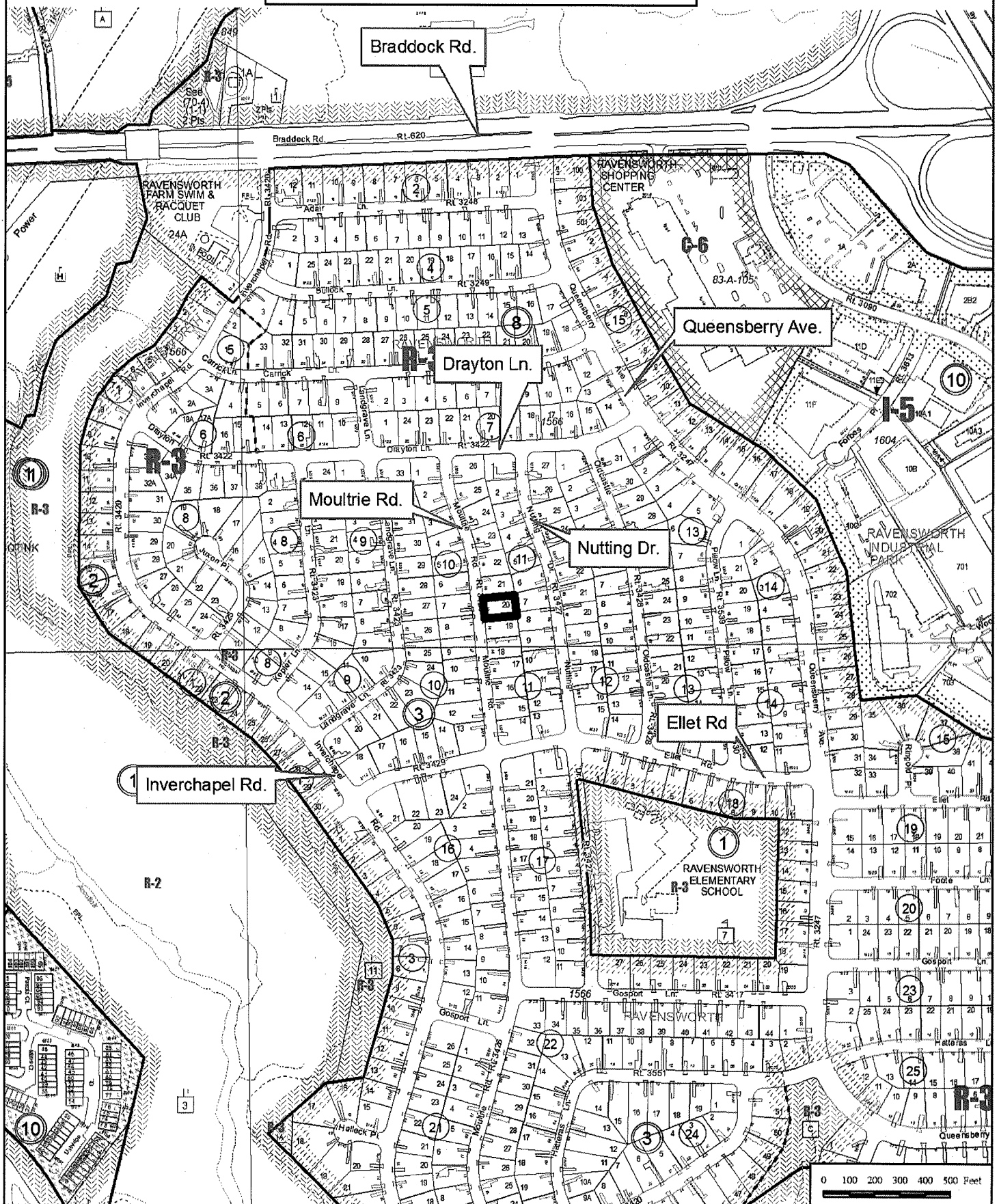
**Special Permit**  
**SP 2012-PR-043**  
**JAMES AND CONNIE O'CONNOR**



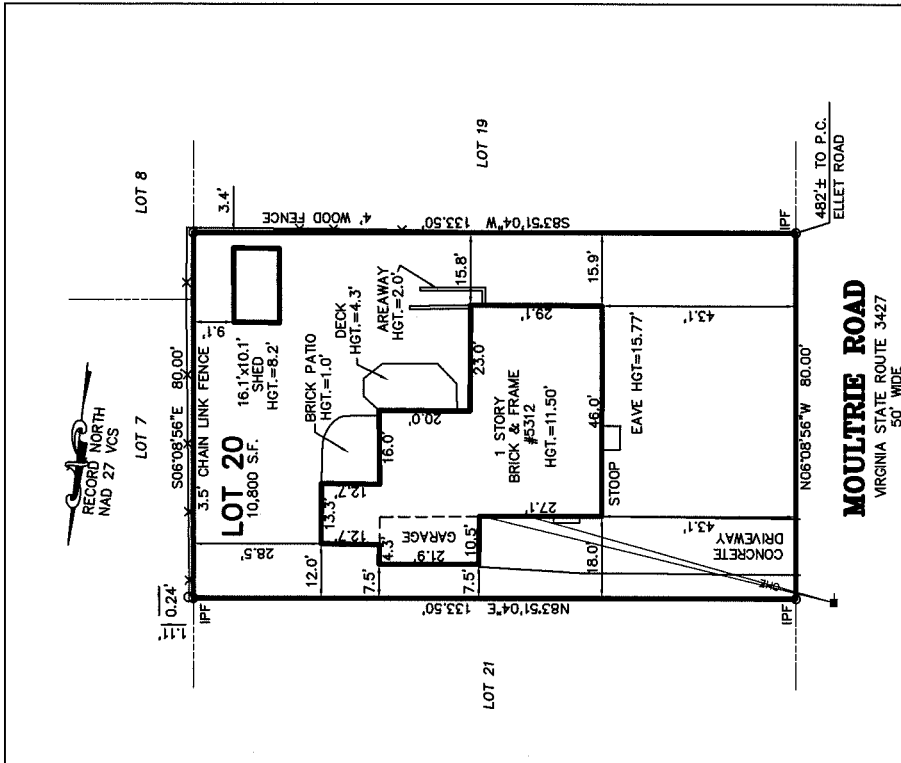
# Special Permit

SP 2012-BR-050

WAYNE R. LACEY







PLAN VIEW  
1"=20'

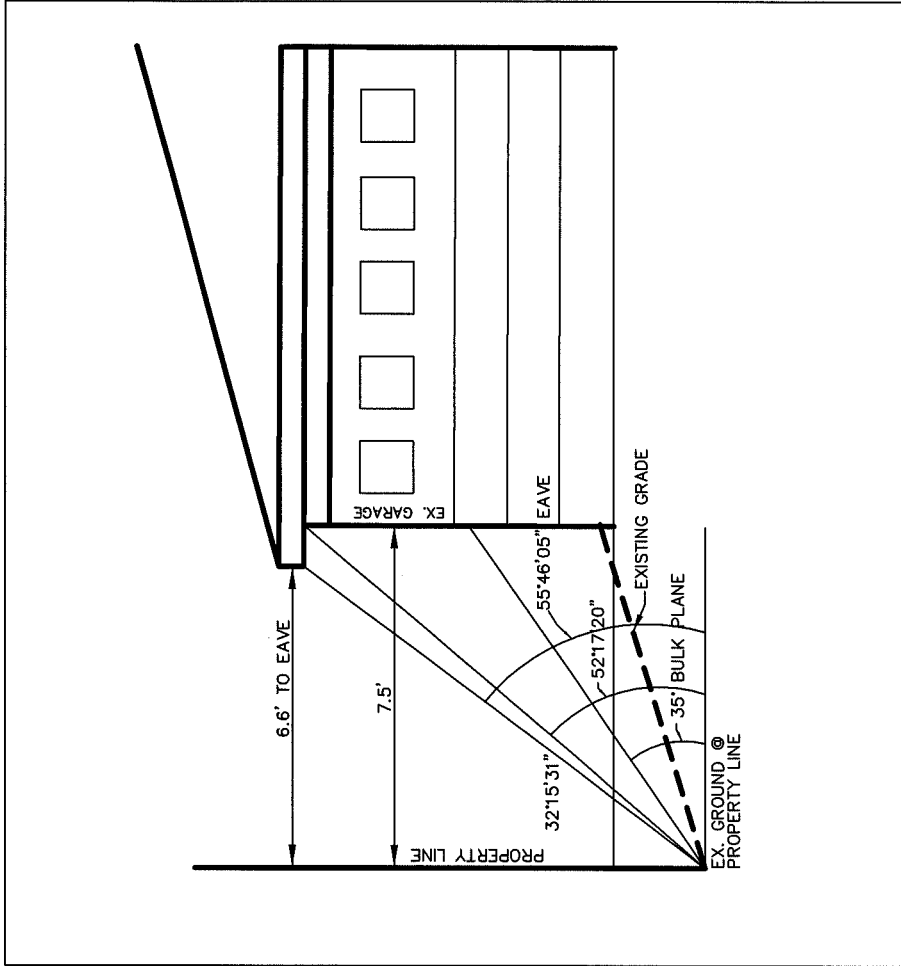
OWNER: WAYNE R. LACEY  
DEED BOOK 20576 PAGE 830

REQUIRED YARDS R-3  
FRONT YARD: 30 FEET  
SIDE YARD: 12 FEET  
REAR YARD: 25 FEET

COPIES OF THE ORIGINAL DOCUMENTS HAVE BEEN RETAINED AND JEFF WARNER, L.S. CANNOT ASSUME RESPONSIBILITY FOR ANY SUBSEQUENT CHANGES TO THESE REPRODUCIBLE DRAWINGS, WHICH ARE NOT MADE BY JEFF WARNER OR THOSE WORKING UNDER HIS DIRECT CONTROL AND SUPERVISION AT JEFF WARNER LAND SURVEYING, INC.

# NOTES:

1. NO TITLE REPORT FURNISHED.
2. THE PROPERTY SHOWN HEREON IS LOCATED ON TAX MAP 070-4 (88) BLOCK 11 PARCEL 20 AND IS ZONED R-3.
3. THERE ARE NO FLOOD PLAINS OR RPA LOCATED ON THIS LOT.
4. THIS PROPERTY IS LOCATED IN HUD FLOOD ZONE X. AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN PER FIRM NO. 51059C0290E EFFECTIVE DATE: SEPTEMBER 17, 2010.
5. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
6. SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS LOT.



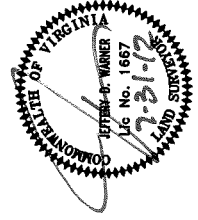
ELEVATION VIEW  
1"=2'

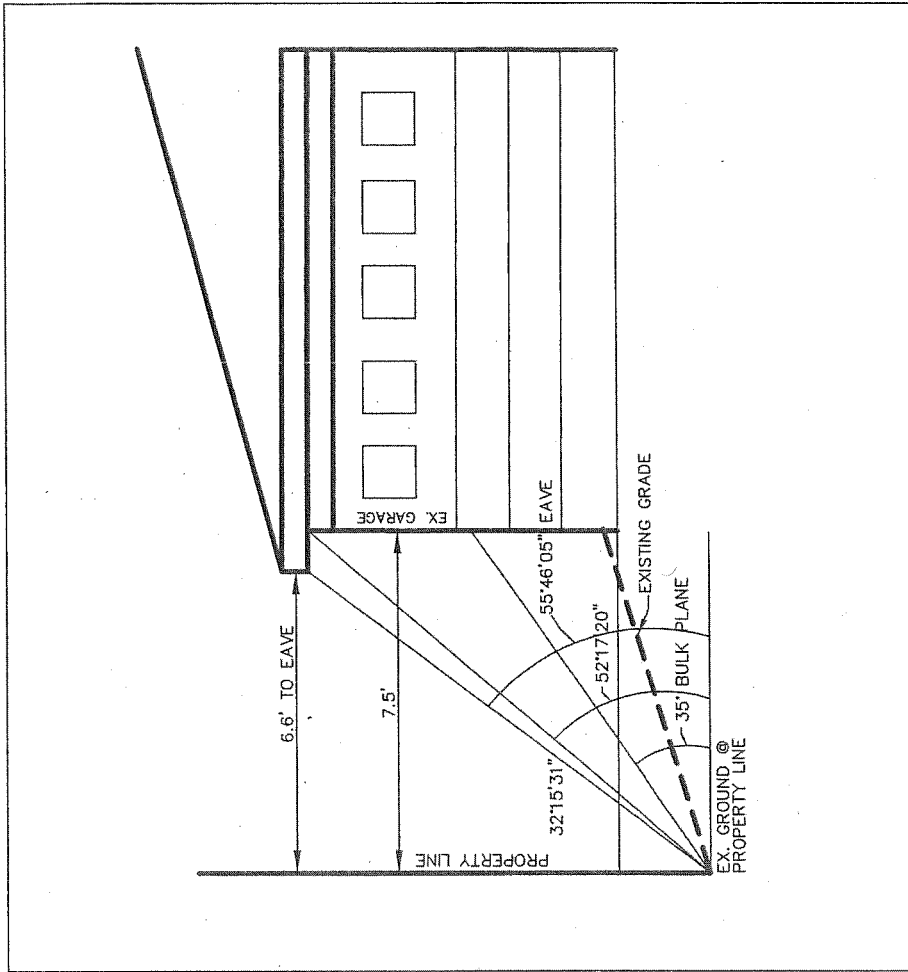
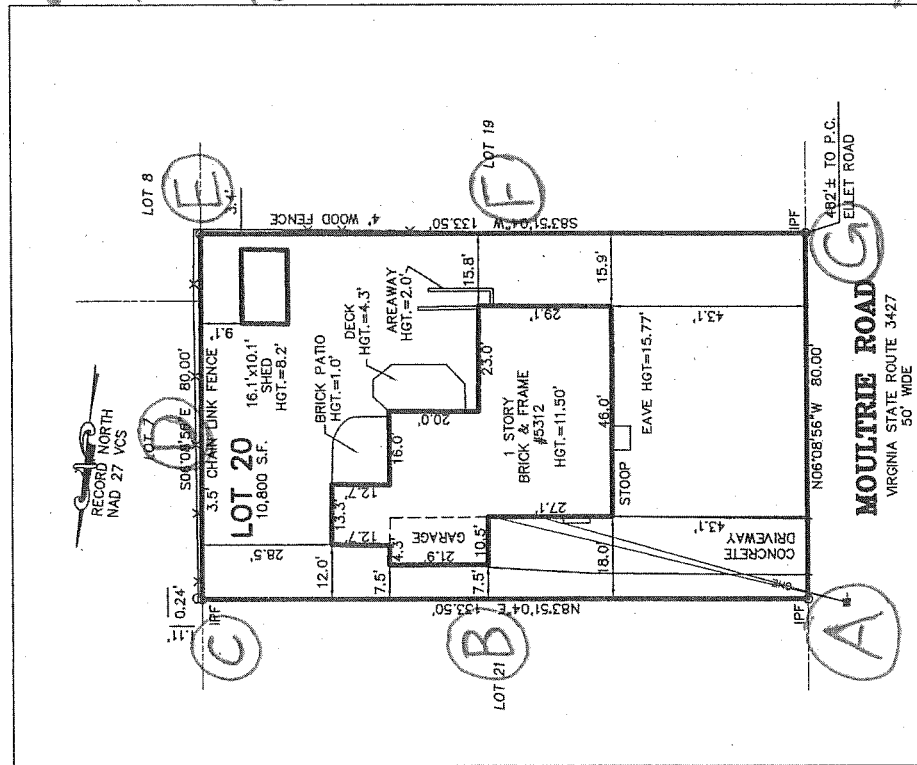
SPECIAL PERMIT PLAT  
BUILDING ADDITION  
LOT 20  
BLOCK 11 SECTION 4

**RAVENSWORTH**

BRADDOCK DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
JANUARY 25, 2012  
REVISED: JULY 31, 2012

**JEFF WARNER LAND SURVEYING, INC.**  
9442 CENTER POINT LANE MANASSAS, VA. 20110  
(703) 369-5249 FAX (703) 369-5785





# NOTES:

1. NO TITLE REPORT FURNISHED.
2. THE PROPERTY SHOWN HEREON IS LOCATED ON TAX MAP 070-4 ((6)) BLOCK 11 PARCEL 20 AND IS ZONED R-3.
3. THERE ARE NO FLOOD PLAINS OR RPA LOCATED ON THIS LOT.
4. THIS PROPERTY IS LOCATED IN HUD FLOOD ZONE X. AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOOD PLAIN PER FIRM NO. 51059C0290E EFFECTIVE DATE: SEPTEMBER 17, 2010.
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6. SURVEYOR IS NOT AWARE OF ANY UTILITY EASEMENTS 25 FEET IN WIDTH OR GREATER AFFECTING THIS LOT.

OWNER: WAYNE R. LACEY  
DEED BOOK 20576 PAGE 830

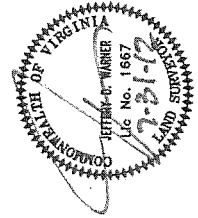
REQUIRED YARDS R-3  
FRONT YARD: 30 FEET  
SIDE YARD: 12 FEET  
REAR YARD: 25 FEET

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SPECIAL PERMIT PLAT  
BUILDING ADDITION  
LOT 20  
BLOCK 11 SECTION 4

**RAVENSWORTH**

BRADDOCK DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
JANUARY 25, 2012  
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**JEFF WARNER LAND SURVEYING, INC.**  
9442 CENTER POINT LANE MANASSAS, VA. 20110  
(703) 369-6249 FAX (703) 369-6703



Near Point A. Northwest corner of property, facing east. View of our side yard, a portion of the neighbor's house to the north, and his side yard.



Near Point A. Northwest corner of property, facing southeast. Full view of our front yard and view of newighbor's house to the south.

RECEIVED  
Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division



Near Point A. Northwest corner of property, facing south. View of our front yard and neighbor's driveway to south beyond our yard.



Near Point G. Southwest corner of property, facing east. View of our side yard, partial view of neighbor's house to south, and the neighbor's side yard.

RECEIVED  
Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division





Near Point G. Southwest corner of property, facing Northeast. View of our front yard, view of our neighbor's house to the north, and partial view of neighbor's front yard.

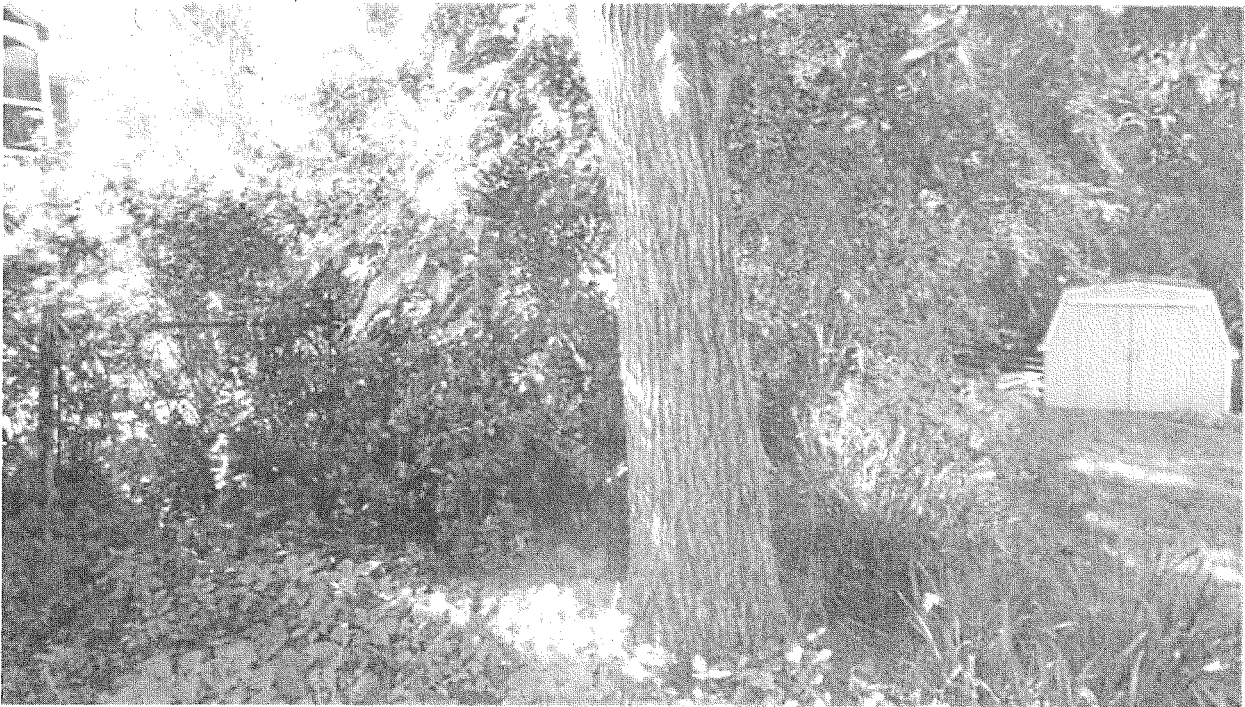


Near Point G. Southwest corner of property, facing north. View of our front yard, the neighbor's front yard to the north past our driveway, and the street going north.

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Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division

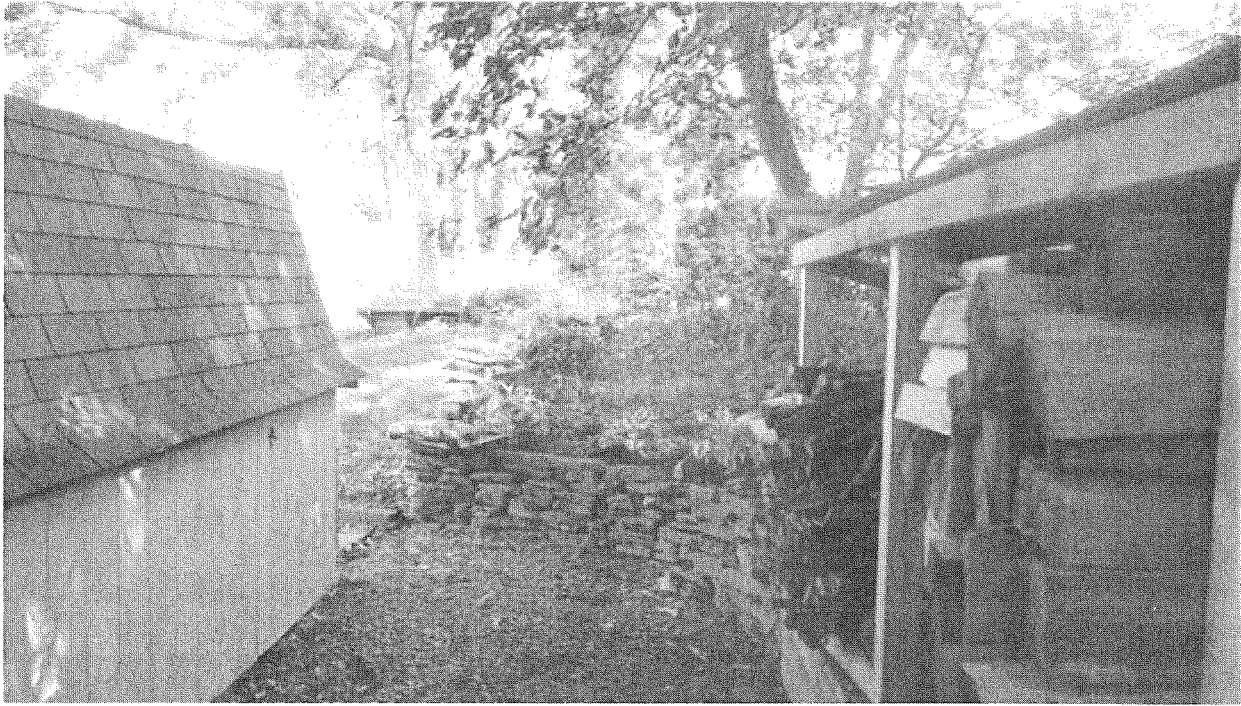


Near Point C. Northeast corner of property, facing west. View of our side yard, view of northern neighbor's side yard, view of neighbor's house across the street to the west.



Near Point C. Northeast corner of property, facing south. View of our eastern property line and some of our back yard. The chain link fence on the left of the picture belongs to the neighbors to the east, whose house is visible in the left of the picture.





Near Point E. Southeast corner of property, facing north. View of our back yard and back side of our shed.

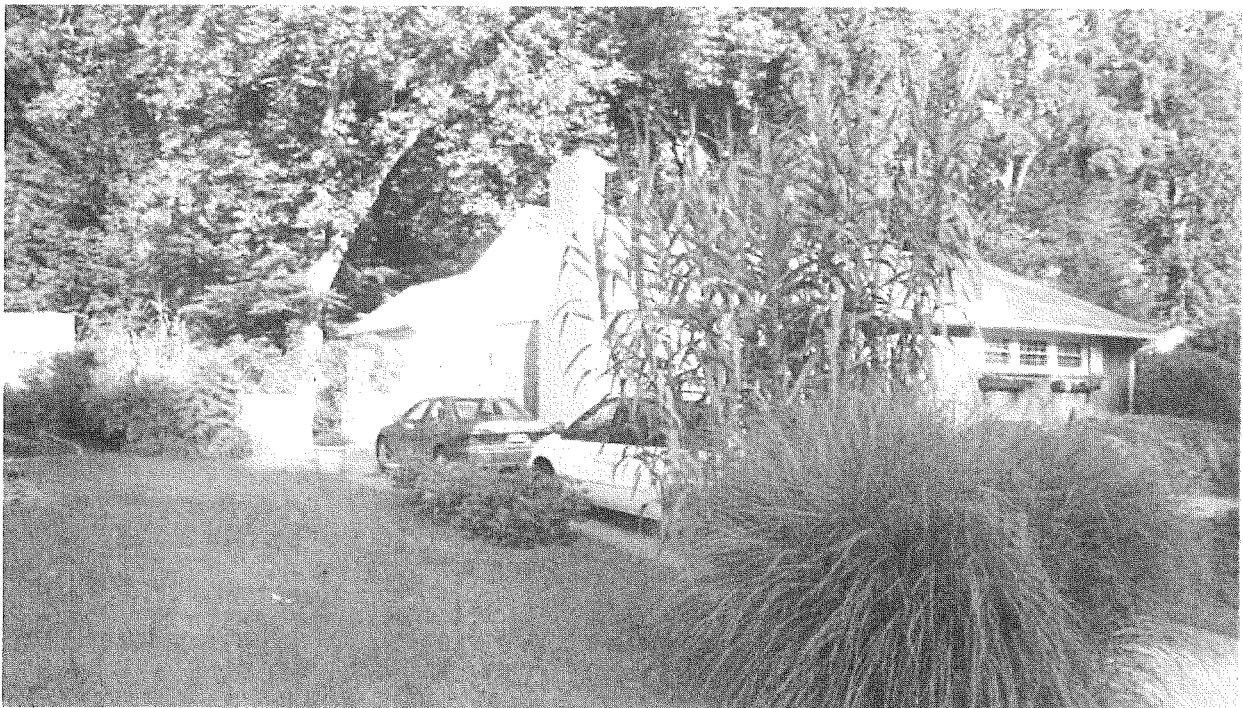


Near Point E. Southeast corner of property, facing west. Partial view of our side yard and rear of our shed. Wooden fence in left side of picture belongs to our neighbor to the south.

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Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division



Near Point G. Southwest corner of property, facing north. View up the street to the north, partial view of our front yard and driveway.



Near Point G. Southwest corner of property, facing Southeast. View of neighbor's house to the south and their driveway.

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Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division





Near Point G. Southwest corner of property, facing South. View of neighboring house's front yard and driveway, and looking south down the street.



Near Point G. Southwest corner of property, facing Southwest. View of across-the-street neighbors' houses to the west and southwest, and down street.

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Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division



Near Point G. Southwest corner of property, facing West. View of neighbor's house across the street to the west (center of photo), and neighbor's house across the street to the northwest (right of photo).



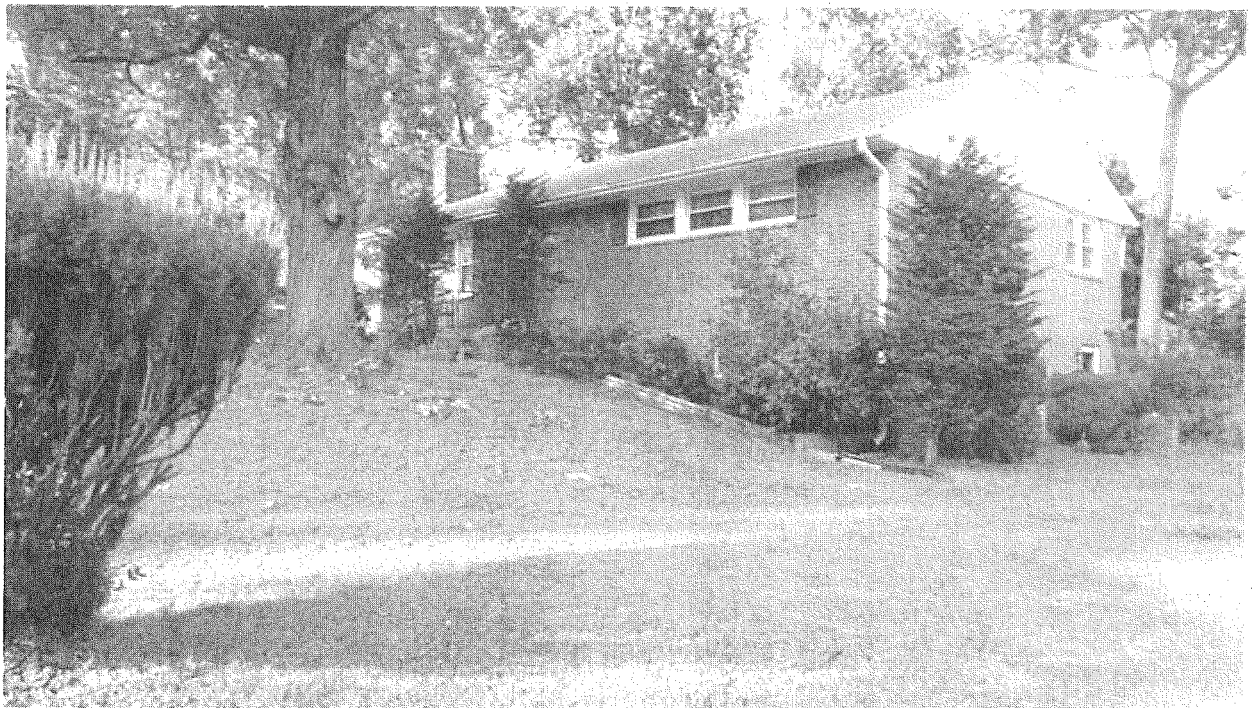
Near Point A. Northwest corner of property, facing West. View of neighbor's house across the street to the west (left side of photo), and neighbor's house across the street to the northwest (right side of photo).

RECEIVED  
Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division





Near Point A. Northwest corner of property, facing Northwest. View of neighbor's house across the street to the northwest (left side of photo) and up the street.



Near Point A. Northwest corner of property, facing Northeast. View of neighbor's house to north.



Near Point B. North edge of property, facing Northeast. View of rear neighbor's house off the northeast corner of our property.



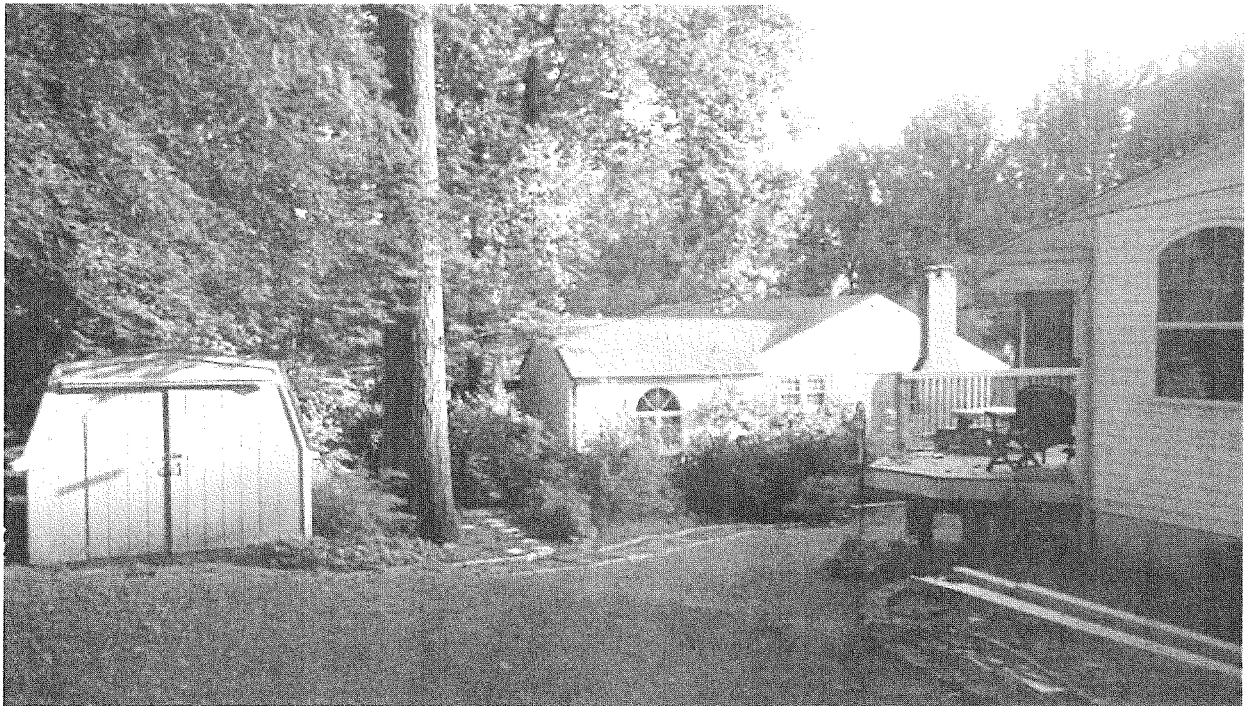
Near Point C. Northeast corner of property, facing Northwest. View of our side yard and rear view of neighbor's house to north.

RECEIVED  
Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division





Near Point C. Northeast corner of property, facing East. View of our back yard and rear view of neighbor's house to our east. Chain link fence belongs to this neighbor.

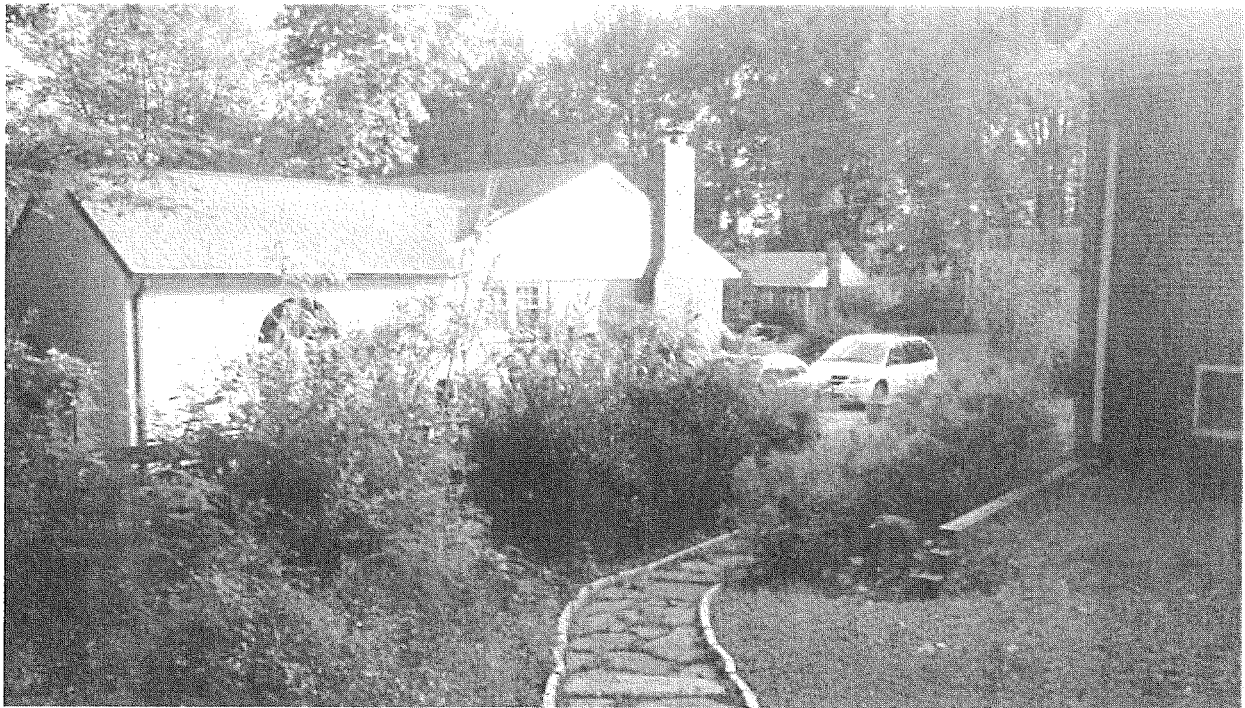


Near Point C. Northeast corner of property, facing South. View of our back yard and side view of neighbor's house to south. Wooden fence belongs to this neighbor.

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Planning & Zoning  
2012  
Inspection Division



Near Point D. East edge of property, facing Southeast. View of our back yard and rear view of rear neighbor's house off the southeast corner of our property. Chain link fence in foreground belongs to our neighbor to the east.



Near Point D. East edge of property, facing Southwest. View of our back yard and side view of neighbor's house to south. Wooden fence belongs to this neighbor.





Near Point F. South edge of property, facing Northeast. View of our back yard and rear view of rear neighbor's house off the northeast corner of our property.



Near Point F. South edge of property, facing West. View of our side yard and neighbor's house across street to West.

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Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division



Near Point F. South edge of property, facing East. View of our side yard, back yard, and some of our neighbor's house to the South. Wooden fence belongs to this neighbor.



Near Point F. South edge of property, facing Northwest. View of our front yard, view of our neighbor's house across the street to the West (center of picture), and view of our neighbor's house across the street to the northwest (center-right of picture).

RECEIVED  
Department of Planning & Zoning  
AUG 14 2012  
Zoning Evaluation Division







## DESCRIPTION OF THE APPLICATION

The applicant is requesting approval of a special permit for an error in building location to permit an existing addition to remain 6.6 feet from the eave of the garage to the northern side lot line.

	Structure	Yard	Min. Yard Req.*	Structure Location	Amount of Error	Percent of Error
<b>Special Permit</b>	<b>Addition</b>	Side	12.0 feet	6.6 feet	5.4 feet	45%

\*Minimum Yard Requirement per Section 3-307

## CHARACTER OF THE AREA

	Zoning	Use
<b>North</b>	R-3	Single Family Detached Dwellings
<b>South</b>	R-3	Single Family Detached Dwellings
<b>East</b>	R-3	Single Family Detached Dwellings
<b>West</b>	R-3	Single Family Detached Dwellings

## EXISTING SITE DESCRIPTION

The 10,800 square foot lot is developed with a one story brick and vinyl single-family detached dwelling with a basement, constructed in 1961. The lot slopes gently from the north to the south and has a manicured lawn with mature trees and shrubs. Fences exist on the south and eastern property lines. A concrete driveway provides access from Moultrie Road. A 160 square foot shed, 8.2 feet in height, exists in the rear yard. A deck and brick patio exists to the rear of the primary dwelling.

## BACKGROUND

The applicant purchased the property in 2009. When the applicant was applying for a building permit to upgrade his existing wood deck, the garage was found to be in violation of the minimum yard requirements. The applicant then applied for a special permit. An addition, a storage unit, and a carport were constructed with permits, in 1999 (See Appendix 4). The addition exists to east of the primary dwelling, which is in the

rear yard. The carport, now the enclosed the garage, was constructed to the north of the addition and the storage unit was constructed to the east of the addition. There is no existing building permit for the former carport to be converted into a garage. The 4.3 foot high wood deck was constructed in 2000 via an approved building permit (See Appendix 4). A 4 foot wood fence exists on the southern property line and a 3.5 foot chain link fence exists on the eastern property line.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA. Through research, however, staff has found there are a number of carports in the neighborhood that have been converted to garages, but have not required special permits.

A copy of the submitted special permit plat titled "Special Permit Plat, Building Addition, Lot 20, Block 11, Section 4" prepared by Jeff Warner Land Surveying, Inc., dated January 25, 2012, as revised through July 31, 2012, is included at the front of the staff report.

## **ZONING ORDINANCE REQUIREMENTS**

- General Special Permit Standards (Sect. 8-006)
- Group 9 Standards (Sect. 8-903)
- Provisions for Approval of Reduction of the Minimum Yard Requirements Based on an Error in Building Location (Sect. 8-914)

This special permit is subject to Sects. 8-006, 8-903 and 8-914 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 5. Subject to development conditions, the special permit must meet these standards.

## **CONCLUSION**

If it is the intent of the BZA to approve this application, the BZA should condition its approval by requiring conformance with the conditions set forth in Appendix 1 of this report, Proposed Development Conditions.

The approval of this special permit does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Building Permit History
5. Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS**

**SP 2012-BR-050**

**October 24, 2012**

1. This special permit is approved only for the location of the existing dwelling as shown on the plat prepared by Jeffrey D. Warner, dated January 25, 2012 as revised through July 31, 2012, submitted with this application and is not transferable to other land.
2. All applicable permits and final inspections shall be obtained for the garage addition within 180 days of approval of this application.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Application No.(s): SP 2012-BR-050  
 (county-assigned application number(s), to be entered by County Staff)

## SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: May 20, 2012  
 (enter date affidavit is notarized)

I, Wayne R. Lacey, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☒ applicant  
☐ applicant's authorized agent listed in Par. 1(a) below

116348

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Wayne R. Lacey	5312 Moultrie Rd Springfield, VA 22151	Applicant / Title Owner
Roberta B. Lacey	5312 Moultrie Rd Springfield, VA 22151	Title Owner



(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s):

SP 2012-BR-050

(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

May 20, 2012  
(enter date affidavit is notarized)

116 348

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

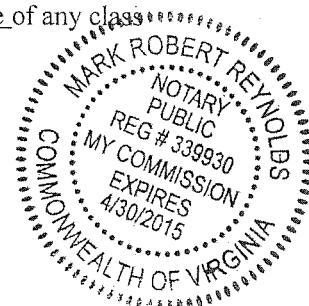
**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)



(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s):

SP 2012-BR-050

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Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

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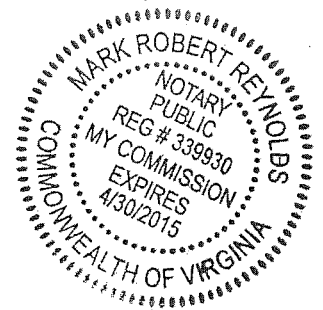
- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)



(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No.(s):

SP 2012-BR-050

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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

May 20, 2012

(enter date affidavit is notarized)

116 348

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

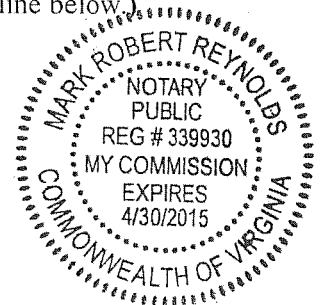
☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

None

WRL 06 June 2012



(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): SP 2012-BR-050  
(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: May 20, 2012  
(enter date affidavit is notarized)

116 348

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☒ Applicant

☐ Applicant's Authorized Agent

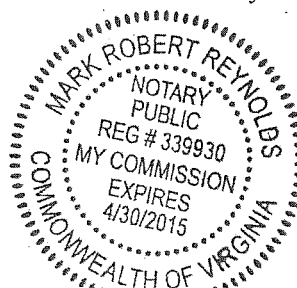
Wayne R. Lacey

(type or print first name, middle initial, last name, and title of signer)

Subscribed and sworn to before me this 20<sup>th</sup> day of May, 2012, in the State/Comm. of Virginia, County/City of Fairfax.

Mark Robert Reynolds  
Notary Public

My commission expires: 4/30/2015



Wayne R. Lacey  
Roberta B. Lacey  
5312 Moultrie Rd  
Springfield, VA 22151

05 May 2012

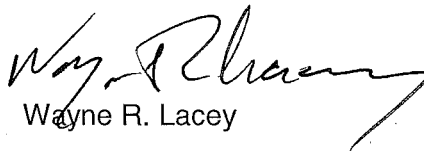
Fairfax County Zoning Evaluation Division  
Fairfax County Dept of Planning and Zoning  
12055 Government Center Parkway  
Suite 801  
Fairfax, VA 22035

To Whom It May Concern:

Regarding the property at:

5312 Moultrie Road  
Springfield, VA 22151

- A. The structure at this address is a single family dwelling. It is not a business.
- B. Hours of operation: Not applicable
- C. Estimated number of patrons/clients/patients/pupils/etc.: Not applicable
- D. Proposed number of employees/attendants/teachers/etc.: Not applicable
- E. There is no traffic impact based on the proposed use.
- F. Vicinity or general area to be served by use: Not applicable
- G. Single family home with attached garage.
- H. No hazardous or toxic substances will be generated, utilized, stored, treated, and/or disposed of on site.
- I. The proposed use conforms to the provisions of all applicable ordinances, regulations, and adopted standards, with the exception of the minimum yard requirements for certain existing structures. The special exception is in conformance with the general standards for use.

  
Wayne R. Lacey

RECEIVED  
Department of Planning & Zoning

MAY 23 2012

Zoning Evaluation Division

Wayne R. Lacey  
Roberta B. Lacey  
5312 Moultrie Rd  
Springfield, VA 22151

05 May 2012

Fairfax County Zoning Evaluation Division  
Fairfax County Dept of Planning and Zoning  
12055 Government Center Parkway  
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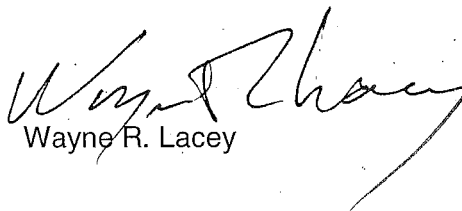
To Whom It May Concern:

I am requesting an error in building location regarding the property at:

5312 Moultrie Road  
Springfield, VA 22151

In that a previous owner enclosed a carport to make an attached garage. The garage encompasses the exact dimensions that the carport previously occupied.

- A. The error in building location exceeds 10%. The garage encroaches on approximately 37.5% of the required setback.
- B. The noncompliance was done through no fault of the current property owner. The noncompliance was a result of an error subsequent to the issuance of a building permit to a previous property owner.
- C. Such reduction will not impair the purpose and intent of the Ordinance (8-914).
- D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity.
- E. It will not create an unsafe condition with respect to both other property and public streets.
- F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
- G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.

  
Wayne R. Lacey

RECEIVED  
Department of Planning & Zoning  
MAY 23 2012  
Zoning Evaluation Division

**BUILDING PERMIT APPLICATION**

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
FAIRFAX COUNTY, VIRGINIA  
PERMIT APPLICATION CENTER  
12055 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504  
(703) 222-0801

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

**JOB LOCATION:**ADDRESS 5312 MOULTRIE RDLOT # 20 BUILDING

FLOOR SUITE

SUBDIVISION RAUENS WORTH BULLTENANT'S NAME SCHAFER SIG 4OWNER INFORMATION: OWNER ☐ TENANT ☐NAME LOUIS SCHAFERADDRESS 5312 MOULTRIE RDCITY SPRINGFIELD STATE VA ZIPTELEPHONE 703-321-7487**CONTRACTOR INFORMATION:**CHECK IF SAME AS OWNER ☐COMPANY NAME PEOPLES CONSTRUCTION COADDRESS 1915 HILBMAN RDCITY FALLS CHURCH STATE VA ZIP 22043TELEPHONE 801-5423

LOCAL CONTRACTOR LICENSE #

STATE CONTRACTORS LICENSE # 033965(A)COUNTY BUSINESS ACCOUNT # 01-0624APPLICANT DAVID PEOPLES**DESCRIPTION OF WORK**Build 20x22 additionBuild 12x12 storageBuild 11x22 carport**HOUSE TYPE**ESTIMATED COST OF CONSTRUCTION 13,600

BLDG AREA (SQ FT OF FOOTPRINT)

USE GROUP OF BUILDING

TYPE OF CONSTRUCTION FRAMESEWER SERVICE: PUBLIC ☒ SEPTIC ☐ OTHER ☐WATER SERVICE: PUBLIC ☒ WELL ☐ OTHER ☐

OTHER PLEASE SPECIFY

**DESIGNATED MECHANICS' LIEN AGENT:**

(Residential Construction Only)

NAME: NONE

ADDRESS:

NONE DESIGNATED ☒ PHONE:**CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS:**# KITCHENS EXTER. WALLS FRAME

# BATHS INTER. WALLS

# HALF BATHS ROOF MATERIAL SH/NO# BEDROOMS FLOOR MATERIAL PLY

# OF ROOMS FIN. BASEMENT %

# STORIES HEATING FUEL

BUILDING HEIGHT 15' HEATING SYSTEMBUILDING AREA 864 # FIREPLACES

BASEMENT

PERMIT # 9935680420

FOR INSPECTIONS CALL: (703) 222-0455

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # 1199-08157TAX MAP # 070-4-08-110020

ROUTING DATE APPROVED BY:

ZONING 12-23-99 WMCSITE PERMITS 12-23-99 WMC

SANITATION

HEALTH DEPT

FIRE MARSHAL

BUILDING REVIEW 12-23-99 JMLICENSING 12-22-99 JM

ASBESTOS

FEE \$

FILING FEE \$

AMOUNT DUE \$ 93.07**BUILDING PLAN REVIEW**

REVIEWER # OF HOURS

REVISION FEES \$

FIRE MARSHAL FEES \$

FIXTURE UNITS PLAN LOC: J ☐ R ☐

APPROVED FOR ISSUANCE OF BUILDING PERMIT

BY [Signature] DATE 12/23/99ZONING REVIEW: ZONING CLASS R-3USE SFD-61

ZONING CASE #

GROSS FLOOR AREA OF TENANT SPACE

YARDS: GARAGE: 1 ☐ 2 ☐ 3 ☐FRONT OPTIONS: YES ☐ NO ☐FRONT VC REMARKS: 1) CORNER 11'x28'x12'L SIDE 8' 2) 15'x22'x18'R SIDE VC 3) SFD addn 13'x12'x11'REAR 31' 4) WET BAR, NO ZONE KITCHEN**GRADING AND DRAINAGE REVIEW**SOILS: # 55 A ☐ B ☐ C ☒

HISTORICAL DISTRICT

AREA TO BE DISTURBED (TOTAL SQ FT) 2,094ADD'L IMPERVIOUS AREA (ADDED SQ FT) 838

PROFFERS

PLAN # APPR. DATE

STAMPS:

FF

2500

(See reverse side of application)

REMARKS:

2) 15'x22'x18'8' from L side - measuringfrom carport

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

[Signature] 12-22-99  
Signature of Owner or Agent Date

DAVID PEOPLES Contractor  
Printed Name and Title

Notary Signature Date  
(Notarization required if owner not present at time of application)

# HOUSE LOCATION SURVEY LOT 20, BLK II, SEC 4 RAVENSWORTH

FALLS CHURCH MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

TOTAL EARTH DISTURBANCE ON THIS  
LOT SHALL NOT EXCEED 2500 S.F.

FOOTINGS AND PIERS MUST BE  
IN COMPETENT MATERIAL

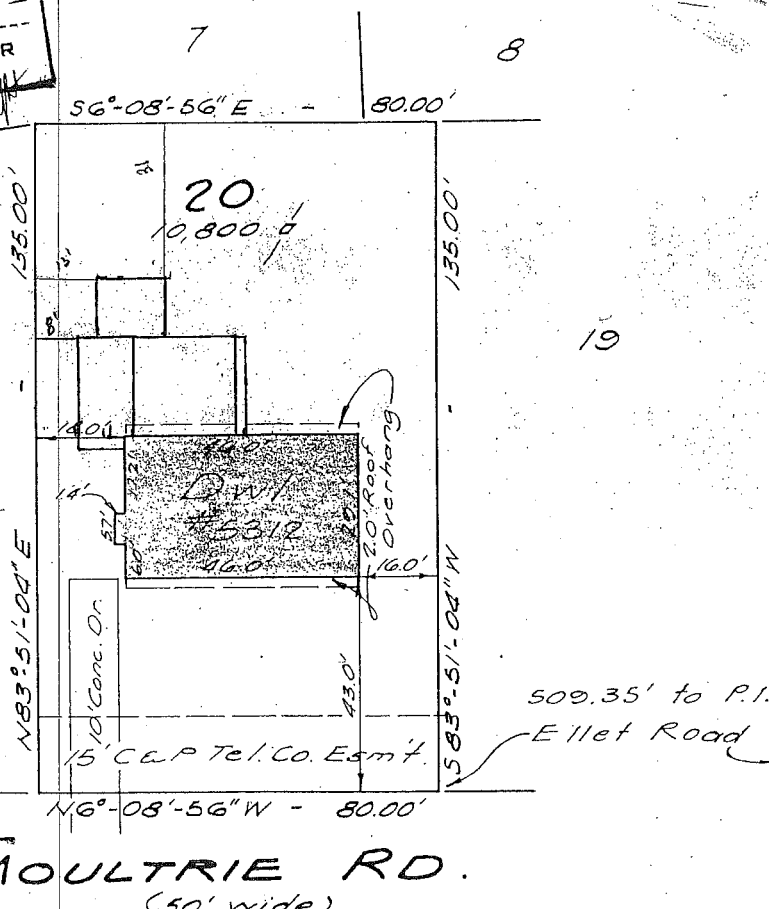
**FINAL  
APPROVAL**

ZONING ADMINISTRATOR  
DATE JUL 3 1962

DPW&ES  
Office of Building  
Code Services  
Approved for  
Add'l storage ramp  
By SB  
Date 12-23-99

12-23-99 W. G. Z.  
**APPROVED**

Zoning Administrator



**MOULTRIE RD.**  
(50' wide)

CERTIFIED CORRECT:

CERTIFIED LAND SURVEYOR

SPRINGFIELD SURVEYS  
SPRINGFIELD, VIRGINIA

SCALE 1"=30'

DRAWN BY: CD

JOB NO. Va F 800

DATE 6/30/61

CK'D. BY: WC

FIELD BK. No. 186

10/2/61

# BUILDING PERMIT APPLICATION

FAIRFAX COUNTY OFFICE OF BUILDING CODE SERVICES  
PERMIT APPLICATION CENTER

12005 Government Center Parkway, 2nd Floor  
Fairfax, Virginia 22035-5504 703-222-0044

FILL IN ALL APPROPRIATE INFORMATION IN THIS COLUMN  
(PLEASE PRINT OR TYPE)

## JOB LOCATION

ADDRESS 5312 Montrose Road  
LOT # 20 BUILDING  
FLOOR SUITE  
SUBDIVISION Riverside North BK 11 Sub 4  
TENANT'S NAME Louis J. Schaffer

## OWNER INFORMATION

OWNER ☐ TENANT ☐  
NAME Louis J. Schaffer  
ADDRESS 5312 Montrose Road  
CITY Springfield STATE VA ZIP 22151  
TELEPHONE 703 321 7487

## CONTRACTOR INFORMATION

SAME AS OWNER ☒  
CONTRACTORS MUST PROVIDE THE FOLLOWING:  
COMPANY NAME  
ADDRESS  
CITY STATE ZIP  
TELEPHONE  
STATE CONTRACTORS LICENSE #  
COUNTY BPOL #

## APPLICANT

Louis J. Schaffer

## DESCRIPTION OF WORK

stand alone deck

## HOUSE TYPE

Brick  
ESTIMATED COST OF CONSTRUCTION \$2000.00  
BLDG AREA (SQ FT OF FOOTPRINT) 400  
USE GROUP OF BUILDING RA  
TYPE OF CONSTRUCTION SKB  
SEWER SERVICE PUBLIC ☐ SEPTIC ☐ OTHER ☐  
WATER SERVICE PUBLIC ☒ WELL ☐ OTHER ☐

OTHER PLEASE SPECIFY \_\_\_\_\_

## DESIGNATED MECHANICS' LIEN AGENT

(Residential Construction Only)

NAME  
ADDRESS

NONE DESIGNATED ☒ PHONE \_\_\_\_\_

## CHARACTERISTICS FOR NEW SFD, TH, APT & CONDOS

# KITCHENS	EXTER. WALLS	_____
# BATHS	INTER. WALLS	_____
# HALF BATHS	ROOF MATERIAL	_____
# BEDROOMS	FLOOR MATERIAL	_____
# OF ROOMS	FIN. BASEMENT	_____ %
# STORIES	HEATING FUEL	_____
BUILDING HEIGHT	HEATING SYSTEM	_____
BUILDING AREA	# FIREPLACES	_____
BASEMENT		_____

## PERMIT #

00180B1270

FOR INSPECTIONS CALL 703-222-0455 (see back for more information)

DO NOT WRITE IN THIS SPACE - COUNTY USE ONLY

PLAN # W-00-0442  
TAX MAP # 70-9-10001-0000

ROUTING	DATE	APPROVED BY
LICENSING		
ZONING	<u>10/24/00</u>	<u>JK</u>
SITE PERMITS	<u>5/2/00</u>	<u>JK</u>
HEALTH DEPT.	<u>1</u>	<u>JK</u>
BUILDING REVIEW	<u>6/28/00</u>	<u>JK</u>
SANITATION		
FIRE MARSHAL		
ASBESTOS		
PROFFERS		

FEE  
FILING FEE  
AMOUNT DUE \$150.00

## BUILDING PLAN REVIEW

REVIEWER # OF HOURS  
REVISION FEES \$  
FIRE MARSHAL FEES \$  
FIXTURE UNITS PLAN LOC. J ☐ R ☐

## APPROVED FOR ISSUANCE OF BUILDING PERMIT

(LOG OUT)  
BY JK DATE 10/24/00

## ZONING REVIEW

USE S.D. 61 ZONING CLASS R-3

## ZONING CASE #

## GROSS FLOOR AREA OF TENANT SPACE

YARDS: FRONT 70' REAR 40'  
GARAGE 1 ☐ 2 ☐ 3 ☐  
OPTIONS YES ☐ NO ☐  
REMARKS 200m Deck w/ stairs

## GRADING AND DRAINAGE REVIEW

SOILS # \_\_\_\_\_ A ☐ B ☐ C ☐  
HISTORICAL DISTRICT  
AREA TO BE DISTURBED (TOTAL SQ FT)  
ADD'L IMPERVIOUS AREA (ADDED SQ FT)  
PLAN # APPR. DATE

## STAMPS

JK  
(See reverse side of application) OK

## REMARKS

Plot attached

Any and all information and/or stamps on the reverse side of this form are a part of this application and must be complied with. I hereby certify that I have authority of the owner to make this application, that the information is complete and correct, and that the construction and/or use will conform to the building code, the zoning ordinance and other applicable laws and regulations which relate to the property.

Signature of Owner or Agent Louis J. Schaffer Date 6-28-00

Printed Name and Title

## NOTARIZATION (if required)

State (or territory or district) of \_\_\_\_\_  
County (or city) of \_\_\_\_\_, to wit: I, \_\_\_\_\_, a Notary Public in the State and County aforesaid, do certify that \_\_\_\_\_ whose name is signed to this application, appeared before me in the State and County aforesaid and executed this affidavit. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. My commission expires the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Notary Signature)

# HOUSE LOCATION SURVEY LOT 20, BLK II, SEC 4 RAVENSWORTH

FALLS CHURCH MAGISTERIAL DISTRICT  
FAIRFAX COUNTY, VIRGINIA

TOTAL EARTH DISTURBANCE ON THIS  
LOT SHALL NOT EXCEED 2500 S.F.

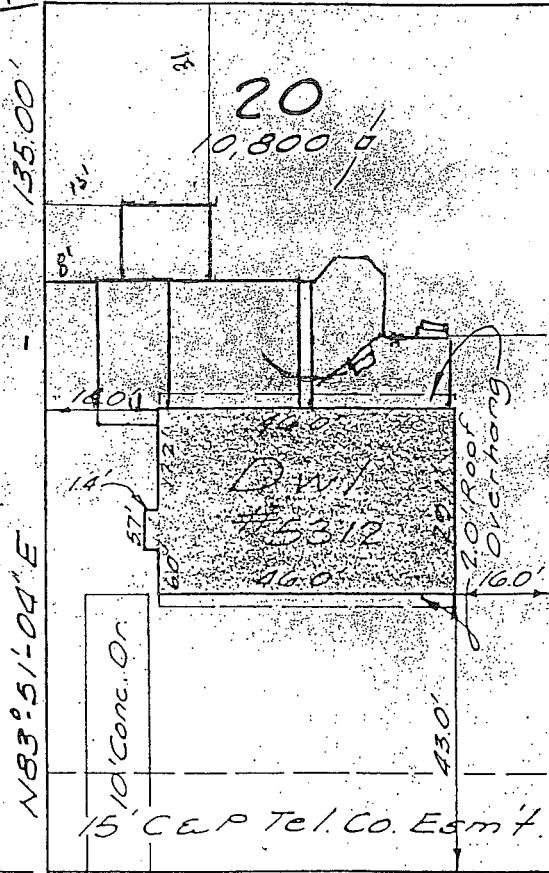
FOOTINGS AND PIERS MUST BE FULFILL  
IN COMPETENT MATERIAL

**FINAL  
APPROVAL**

ZONING ADMINISTRATOR  
DATE JUL 3 1962

56°-08'-56" E

80.00'



DPW&ES  
Office of Building  
Code Services  
Approved for  
Add'l stage, Comput  
By YB  
Date 12-23-99

DPW&ES  
Office of Building  
Code Services  
Approved  
By [Signature]  
Date 6/28/00

Zoning Administrator

509.35' to P.I.

Ellet Road

12-23-99 WLU  
APPROVED

Zoning Administrator

**MOULTRIE RD.**  
(50' wide)

CERTIFIED CORRECT: <u>[Signature]</u> CERTIFIED LAND SURVEYOR	SPRINGFIELD SURVEYS SPRINGFIELD, VIRGINIA	SCALE 1"=30'	DATE 6/30/61
10/12/61		DRAWN BY: CD	CK'D. BY: WK
		JOB NO. <u>V8 F 800</u>	FIELD BK. No. 186



## **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

8-914

**Provisions for Approval of Reduction to the Minimum Yard Requirements Based on Error in Building Location**

The BZA may approve a special permit to allow a reduction to the minimum yard requirements for any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected, but only in accordance with the following provisions:

1. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia and such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. Location of all existing structures, with dimensions, including height of any structure and penthouse, and if known, the construction date(s) of all existing structures.
  - E. All required minimum yards to include front, side and rear, and a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).
  - H. If applicable, the location of well and/or septic field.
  - I. For nonresidential uses, a statement setting forth the maximum gross floor area and FAR for all uses.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. Seal and signature of professional person certifying the plat.

In addition, the application shall contain a statement of justification explaining how the error in building location occurred and any supportive material such as aerial photographs, Building Permit applications, County assessments records, a copy of the contract to build the structure which is in error, or a statement from a previous owner indicating how the error in building location occurred.

2. The BZA determines that:
  - A. The error exceeds ten (10) percent of the measurement involved, and
  - B. The noncompliance was done in good faith, or through no fault of the property owner, or was the result of an error in the relocation of the building subsequent to the issuance of a Building Permit, if such was required, and
  - C. Such reduction will not impair the purpose and intent of this Ordinance, and
  - D. It will not be detrimental to the use and enjoyment of other property in the immediate vicinity, and
  - E. It will not create an unsafe condition with respect to both other property and public streets, and
  - F. To force compliance with the minimum yard requirements would cause unreasonable hardship upon the owner.
  - G. The reduction will not result in an increase in density or floor area ratio from that permitted by the applicable zoning district regulations.
3. In granting such a reduction under the provisions of this Section, the BZA shall allow only a reduction necessary to provide reasonable relief and may, as deemed advisable, prescribe such conditions, to include landscaping and screening measures, to assure compliance with the intent of this Ordinance.
4. Upon the granting of a reduction for a particular building in accordance with the provisions of this Section, the same shall be deemed to be a lawful building.
5. The BZA shall have no power to waive or modify the standards necessary for approval as specified in this Section.